

REMARKS/ARGUMENTS

Applicant has carefully reviewed and considered the Office Action mailed on March 15, 2004, and the references cited therewith.

Claims 1, 8, and 15 are amended, no claims are canceled, and no claims are added; as a result, claims 1-20 are now pending in this application.

§102 Rejection of the Claims

Claims 1-3, 5, 8-10, 12, 15, and 18 were rejected under 35 USC § 102(e) as being anticipated by Jeyachandran, et al. (U.S. Patent No. 6,567,176).

Applicant does not admit that Jeyachandran is indeed prior art and reserves the right to swear behind the reference at a later date. Nonetheless, Applicant believes the presented claims are distinguishable from the Jeyachandran reference for at least the following reasons.

In the present office action, dated March 15, 2004, the Examiner recited col. 26, lines 5-15 of the Jeyachandran to show requesting that a user input a delay criteria as recited in Applicant's independent claim 1. Jeyachandran appears to describe two options for a user when a color printer is busy. That is, according to the Jeyachandran reference, the user is presented with only two options when a printer is busy; "Wait, or print in monochrome?" (See col. 26, lines 9-12). The Jeyachandran reference does not describe providing the ability to the user to enter detailed "user delay criteria" as defined in the Applicant's specification.

In contrast, Applicant's independent claim 1, as amended, recites in part "requesting that a user input a delay criteria after an initiation of an operation." Support and definition for the "delay criteria" is clearly provided in the Applicant's specification at page 7, lines 1-13. For example, delay criteria can include entering a duration of time such as 5 minutes or two days, print after printer has remained idle for 45 minutes, and print after the office lights have been turned off. Moreover, the flow chart shown in Figure 1 of the Applicant's specification illustrates three different examples of delay criteria that include a (20) delay period, (25) a delay date and time, and (30) a delay condition. Applicant respectfully submits that providing a user with only two options, e.g., to wait an unspecified period of time until a printer is available or to select a different printer, is not equivalent to "requesting that a user input a delay

criteria." Indeed, in the Jeyachandran reference there is no "criteria", but rather only an option to wait an unspecified amount of time until a particular printer is available.

As such, Applicant respectfully submits that each and every element of Applicant's independent claim 1 is not described in the Jeyachandran reference. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 102 rejection for independent claim 1 as well as those claims which depend therefrom.

Additionally, in the present office action, the Examiner recited col. 26, lines 5-15 of the Jeyachandran as describing each and every limitation of Applicant's independent claim 8.

Applicant's independent claim 8, as amended, includes the element of "requesting that a user input a delay criteria after an initiation of an operation" as is present in independent claim 1. For the reasons provided above in connection with Applicant's independent claim 1, Applicant respectfully submits that Jeyachandran does not describe each and every element of Applicant's independent claim 8.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 102 rejection for independent claim 8 as well as those claims which depend therefrom.

In the present office action, the Examiner recited col. 26, lines 5-15 of the Jeyachandran as describing each and every limitation of Applicant's independent claim 15.

Applicant's independent claim 15, as amended, includes the element of "a user-programmable delaying device to receive a delay criteria after an initiation of an operation, the delaying device operably connected to the processor." The programmable delaying device recited in Applicant's independent claim 15, can function to receive delay criteria input from a user. As discussed above, "delay criteria" can include a variety of detailed criteria such as print after the printer has been idle for a specified amount of time, or print after the office lights have been turned off.

For the reasons provided above in connection with Applicant's independent claim 1, Applicant respectfully submits that Jeyachandran does not

describe a device to receive a “delay criteria” and as such each and every element of Applicant’s independent claim 15, as amended, is not present in the reference.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 102 rejection for independent claim 15, as amended, as well as those claims which depend therefrom.

Claims 1, 2, 5-9, and 12-20 were rejected under 35 USC § 102(b) as being anticipated by, "Open VMS User's Manual" Digital Equipment Corporation, DEC.

In the present office action, dated March 15, 2004, the Examiner cited a user’s manual published by Digital Equipment Corporation as describing each and every element of Applicant’s independent claim 1.

The DEC reference appears to describe a user’s manual illustrating various print commands. For example, on page 4-15 of the DEC reference, a “Delay execution of a job” command is described. According to the DEC reference, the “Delay execution of a job” command requires a “PRINT/AFTER” command before the initiation of the printing process by inputting this command into the Open VMS operating system. That is, according to the DEC reference, in order to initiate the printing process, the user must first enter the “PRINT/AFTER” command. The DEC reference does not describe requesting that a user input a delay criteria after an initiation of an operation.

In contrast, Applicant’s independent claim 1, as amended, recites in part “requesting that a user input a delay criteria after an initiation of an operation.” Support for this amendment is clearly provided in the Applicant’s specification at page 6, lines 19-21. For example, “after the initiation of the printing process or operation, the user is asked, according to step 10, whether a time delay is desired before the printing or other operation takes place. If the user responds that he/she does not wish to use a delay, the printing or performance of the operation proceeds immediately.” Accordingly, Applicant respectfully submits that the “PRINT/AFTER” command, which must be provided to the Open VMS operating system before initiation of a print job, is not equivalent to “requesting that a user input a delay criteria after an initiation of an operation” as recited in Applicant’s independent claim 1, as amended.

As such, Applicant respectfully submits that each and every element of Applicant's independent claim 1 is not described in the DEC reference. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 102 rejection for independent claim 1, as well as those claims which depend therefrom.

Additionally, in the present office action, the Examiner cited the user's manual published by Digital Equipment Corporation (hereinafter DEC) as describing each and every element of Applicant's independent claim 8.

Applicant's independent claim 8, as amended, includes the element of "requesting that a user input a delay criteria after an initiation of an operation" as is present in independent claim 1. For the reasons provided above in connection with the DEC reference and Applicant's independent claim 1, as amended, Applicant respectfully submits that the DEC reference does not describe each and every element of Applicant's independent claim 8, as amended.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 102 rejection for independent claim 8, as well as those claims which depend therefrom.

In the present office action, the Examiner cited the user's manual published by Digital Equipment Corporation as describing each and every element of Applicant's independent claim 15.

Applicant's independent claim 15, as amended, includes the element of "a user-programmable delaying device to receive a delay criteria after an initiation of an operation, the delaying device operably connected to the processor." The programmable delaying device recited in Applicant's independent claim 15, as amended, can function to receive delay criteria after an initiation of an operation. (See page 6, line 19 of the Applicant's specification). For the reasons provided above in connection with Applicant's independent claim 1, Applicant respectfully submits that the DEC reference does not describe requesting that a user input a delay criteria after an initiation of an operation. Indeed, in the DEC reference, in order to initiate the printing process, the user must first enter a print command, as for example, the "PRINT/AFTER" command.

As such, Applicant respectfully submits that each and every element of Applicant's independent claim 15, as amended, is not described in the DEC

reference. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 102 rejection for independent claim 15, as amended, as well as those claims which depend therefrom.

Claims 1, 2, 4, 8, 9, and 11 were rejected under 35 USC § 102(e) as being anticipated by Mullaly, et al. (U.S. Patent No. 6,304,909).

In the present office action, dated March 15, 2004, the Examiner recited col. 5, lines 1-52 of the Mullaly reference as describing each and every limitation of Applicant's independent claim 1.

Applicant does not admit that Mullaly is indeed prior art and reserves the right to swear behind the reference at a later date. Nonetheless, Applicant believes the presented claims are distinguishable from the Mullaly reference for at least the following reasons.

The Mullaly reference appears to describe web server software that allows a user to choose a default setting or to configure a setting for controlling when or how web pages are downloaded. These settings are configured before an operation is initiated, such as requesting download of a web page. Thus, according to Mullaly, if a requested web page takes more than 30 seconds to download, the settings control when and how the download occurs. That is, the when and how the download occurs is determined before the user initiates a request for a webpage. (See col. 5, lines 39-45). The Mullaly reference does not describe "requesting that a user input a delay criteria after an initiation of an operation" as defined in the Applicant's specification.

In contrast, Applicant's independent claim 1, as amended, recites in part "requesting that a user input a delay criteria after an initiation of an operation." As discussed above, the Applicant's specification clearly describes this amended element. For example, at page 7, lines 1-13 of the Applicant's specification, a delay criteria can include entering a duration of time such as 5 minutes or two days, print after printer has remained idle for 45 minutes, and print after the office lights have been turned off. In addition, this criteria is requested after the user initiates an operation such as inputting instructions to print a document. Applicant respectfully submits that configuring a setting or using a default setting before initiation of an operation such as downloading a web page is not equivalent to "requesting that a user input a delay criteria after an initiation of an operation." Indeed, in Mullaly, there is no delay criteria, as defined by the

Applicant's specification, and there is no request for input of the delay criteria after initiating an operation, but rather Mullaly uses default settings or user settings, which are configured by the user before a web page is downloaded.

As such, Applicant respectfully submits that each and every element of Applicant's independent claim 1 is not described in the Mullaly reference.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 102 rejection for independent claim 1, as amended, as well as those claims which depend therefrom.

Additionally, in the present office action, dated March 15, 2004, the Examiner recited col. 5, lines 1-52 of the Mullaly reference as describing each and every limitation of Applicant's independent claim 8.

Applicant's independent claim 8, as amended, includes the element of "requesting that a user input a delay criteria after an initiation of an operation" as is present in independent claim 1. For the reasons provided above in connection with Applicant's independent claim 1 and the Mullaly reference, Applicant respectfully submits that Mullaly does not describe each and every element of Applicant's independent claim 8.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 102 rejection for independent claim 8 as well as those claims which depend therefrom.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (360) 212-8052 to facilitate prosecution of this matter.

At any time during the pendency of this application, please charge any additional fees or credit overpayment to the Deposit Account No. 08-2025.

CERTIFICATE UNDER 37 CFR §1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: **MS AMENDMENT** Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on this 21st day of May, 2004.

Sarah L. Reinhard
Name
Sarah L. Reinhard
Signature

Respectfully Submitted,
Travis Parry

By their Representatives,
E.J. BROOKS & ASSOCIATES, PLLC
1221 Nicollet Avenue, Suite 500
Minneapolis, MN 55403

By: [Signature]
Edward J. Brooks III
Reg. No. 40,925

Date: 5/21/2004